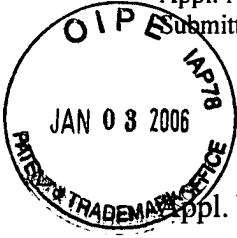


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Appeal Brief
Appl. No. 10/062,349
Submitted: January 3, 2006



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

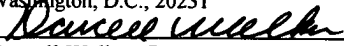
Appl. No.: 10/062,349 Confirmation No.: 3452
Applicant: Bennett, Jr. et al.
Filed: January 31, 2002
TC/A.U. 2167
Examiner: Kuen S. Lu
Docket No.: AUS920010504US1
Customer No.: 46129
Title: METHOD AND SYSTEM FOR GENERATING A FILE CONTAINING
GRAPHICAL DISPLAYS FROM CONTENT STORED ON A COMPUTING
NETWORK LOCATION

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Darcell Walker, Reg. No. 34,945

**APPELLANT'S BRIEF
IN RESPONSE TO OFFICE ACTION UNDER 37 C.F.R. § 1.192**

This brief is filed in triplicate in support of the previously filed Notice of Appeal, which was filed November 2, 2005, which appealed from the decision of the examiner dated June 2, 2005, rejecting claims 1-30. The fee required under 37 C.F.R. § 1.17(c) for filing a brief in support of an appeal is provided in the Transmittal of Appeal Brief filed herewith.

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1. REAL PARTY IN INTEREST

The real party in interest in this appeal is International Business Machines Corporation (IBM).

2. RELATED APPEALS AND INTERFERENCES

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such appeals or interferences.

3. STATUS OF CLAIMS

Claims 1-30 are pending in this application; claims 1-30 have been finally rejected; claims 1-30 have been appealed. No claims have been allowed.

4. STATUS OF AMENDMENTS

No amendments have been made to the application since the Applicants received the final rejection.

5. SUMMARY OF THE CLAIMS

Claim 1 describes a method for creating a tile containing graphical displays for use in a slide show presentation such as a Powerpoint™ presentation. The graphical displays that comprise the presentation are selected from a display repository located on a computer network. In the method, the initial step is to compile a set of graphical displays by placing the address (identifier) of each selected display in a file. The next step is to determine when the file containing the selected displays is complete. Now that the desired displays are selected, the next phase of this method is to assemble the selected displays into a presentation form. In this phase, the third step is to retrieve the selected displays from the repository using the display address (identifier) contained in the file. Following the retrieval of each display, these displays are loaded into a display file. Once in the display file, the last step is to create a custom slide display from the retrieved and loaded displays.

Claim 13 describes a computer program product in a computer readable medium for creating a file containing graphical displays selected from a display repository on a computing network location. This product comprises sets of instructions to perform the steps involved in the process of creating the graphical display file. The instructions are based on the steps described in claim 1. The instructions include instructions to first compile a set of graphical displays by placing the address (identifier) of each selected display in a file. The next instructions are to determine when the file containing the selected displays is complete. The third instructions retrieve the selected displays from the repository using the display address (identifier) contained in the file. Following the retrieval of each display, there are instructions for loading the displays into a display file. The last set of instructions creates a custom slide display from the retrieved and loaded displays.

Claim 25 describes a system for generating a display file containing graphical displays stored in a display repository at a computing network location. This system comprises a computing device such as a local computer machine. This system also has a display repository containing graphical displays that are arranged into sets of displays and stored in the repository in a directory hierarchical tree configuration. This configuration contains a series of sub-directories that link to the locations of the displays in the repository. The system incorporates a computing network to establish communication between the local computing device and the display repository. Last, the system has a display file-generating program to assemble a display file from selected displayed stored in the repository.

6. ARGUMENTS

6.A. – Was 35 U.S.C. § 103(a) properly applied in a rejection of claims 1, 6-8, 13 and 18-20 as being unpatentable over Montabalno (U.S. Patent 5,918,237) and in view of Quimby (U.S. Publication 2002/0199002).

Arguments in support of separate patentability

Background discussion of Applicants' Present Invention

The present invention comprises a method and system that enables a user to create a slide presentation from slides stored in a repository. In the method of the present invention, each slide has a defined location in the repository (see Figure 5). The user selects the slides from the repository. As the slide is selected, the location of the slide is recorded. At the completion of the selection phase, the selected slides are downloaded into a file. This file is used to create a custom slide presentation using the retrieved slides. In the description of the method and system, Applicants used the term (Bookmark) to refer to the process of selecting slides to be downloaded. Since the term 'Bookmark' has a unique meaning with regard to global computer networks, Applicants submit that this term was not the best term to use to describe the selection process of the present invention. Although a bookmarking process can be used with the present invention, the primary embodiment does not require a conventional bookmarking technique. The term bookmark as described in the specification and claims is for a selection and identification of the slides in the repository.

Applicant's invention does not deal with associating intuitive human readable text with URL bookmarks. Applicants' invention suggests associating small thumbnail graphics with graphic presentation slides stored in a slide repository on a computing network location such as a server. Applicants' invention suggests the slide identifiers are stored on a server in a computing network.

Initial review of the teachings of Montabalno.

The Montabalno reference describes a means to provide text with a bookmark used in a global computing network such as the Internet. Montabalno suggests association of intuitive human readable text with the URL bookmarks so that later when the user desires to retrieve the bookmark location, there is a meaningful way to know the

contents of the bookmarked location. The URL does not provide a meaningful description of the site contents. The intent is for some time in the future to browse the content in the web browser based on a meaningful text description instead of a cryptic Internet address.

Initial review of the teachings of Quimby.

Quimby describes a customizable web site access system. This system enables a user to access a series of websites without the need to return to a list of websites before user can view a different website in the compiled list. This system is comprised of a software program incorporating both a composing portion and a performing portion. The composing portion of the software program is used to create a presentation. The presentation includes a list of URLs for display, a desired sequence of display of the URLs, and a duration of display of the URLs. The performing portion of the software program operates to load and display the presentation to a user of the web in an automatic slide show presentation.

Contrasting Montabalno and Quimby to Applicants' present invention

Applicants' present invention attempts to assemble graphical display slides for use in a presentation. These slides are stored in a slide repository in a series of directories and sub-directories. During the process of assembling the set of graphical displays, the user navigates through the repository and selects the desired slides. Each slide has an identifier that contains the exact location (directory, sub-directory and position in the sub-directory). Applicants referred to this identifier as the bookmark. This identifier is not a URL. These graphical displays are not WebPages/websites. During the assembling process, the identifiers are used to retrieve the graphical displays from the repository. Once a display is retrieved it is put into the display file. The graphical presentation is created from the displays in the display file.

Contrary to the Examiner's assertions, Montabalno does not place the address of a selected display from a display repository in a display file. Montabalno describes the conventional process of marking (bookmarking) a URL for a website. With the conventional bookmark process, a user saves desired URL addresses for certain websites

in a bookmark file. Later, when the user wants to retrieve a particular website, the user goes to the bookmark and selects the desired website from the bookmark file. Each URL in the bookmark file has a brief title or description so inform the user of the contents of that website. Montabalno describes a method to provide additional text information to describe the content of the marked website without the need to enter the website. Figure 6 illustrates the objective of Montabalno in displaying information about bookmarked WebPages using mediums in addition to conventional text information.

The Examiner states that Montabalno does not teach the creation of a slide presentation, but Quimby teaches creating a custom slide presentation from retrieved and loaded displays. Quimby can produce a presentation of WebPages from a list of generated URLs. Examiner further asserts that it would be obvious to one of ordinary skill in the art at the time of Applicants' present invention to combine Quimby's teaching with Montabalno by enhancing the bookmark displaying system with automated presentation features because both references are devoted to display WebPages.

In order to establish a prima facie case of obviousness 35 U.S.C. 103(a), there must be some suggestion or teaching to modify (combine) the references. If there is no teaching or suggestion, there is no prima facie case for obviousness. Applicants' assert that there is no teaching or suggestion to support a combining of Montabalno with Quimby to produce Applicants' present invention. As mentioned, Montabalno describes ways to better identify WebPages that are in a bookmarked file. Quimby focuses on ways to view the content of multiple websites on a list without going back to the list each time the user desires to view another website. With regard to Quimby, if the user did a search and found ten websites, the URLs for these websites would appear on a list. As with any conventional result of a query, the user has to view each website to determine if that sites has the information that the user desires. In a conventional system, each time the user wants to view a different website, the user has to go back to the original list and click the desired site. Quimby enables the user to move from site to site without the need to always go back to the list each time the user wants to change websites. Quimby puts all of the found sites in a display format such that the system automatically goes from one found site to another found as defined by the user. Applicant submits that Montabalno has no concern with any form of slide presentation. Any search or examination in

Montabalno would be a visual inspection of the displayed information in the bookmark file. In addition, there is no designed relationship between URLs stored in a bookmark file. The only common feature is that all have some relation to the user that assembled them. The examiner's assertion is based on the fact that both references are related to displaying WebPages. The fact that both references discuss WebPages is not enough to support the combining of these references without some teaching or suggestion in the references. As previously mentioned, Applicants' present invention is not about WebPages, but about graphical slides stored in a repository as described in Figures 3, 4 and 5 of Applicants' present invention. Further, a retrospective view of inherence is not a substitute for some teaching or suggestion, which supports the selection and use of the various elements in the particular claimed combination.

6.B. – Was 35 U.S.C. § 103(a) properly applied in a rejection of claims 2-5 and 14-17 as being unpatentable over Montabalno (U.S. Patent 5,918,237) and in view of Quimby (U.S. Publication 2002/0199002), as applied to claims 1, 6-8, 13 and 18-20 and further in view of Boesch (U.S. Publication 2003/0018746).

Initial review of the teachings of Boesch

Boesch describes a method performed by a first computer system is provided. The method includes receiving one or more of a plurality of files from a second computer system in response to a selection of the one or more of the plurality of files by a customer of the second computer system and receiving network settings from the second computer system. The method also includes providing a third computer system to the user, providing a medium that includes the network settings to the customer where the medium is configured to provide the network settings to the third computer system, and providing the one or more of the plurality of files to the third computer system in response to a request received from the third computer system.

Examiner asserts that Boesch teaches displaying the hierarchical information of the repository on a view screen. As Applicants have mentioned, neither Montabalno nor Quimby discuss or even mention display directories. Applicant submits that there is no

teaching or suggestion in Montabalno or Quimby to combine Boesch with Montabalno or Quimby to produce Applicants' present invention.

6.C. – Was 35 U.S.C. § 103(a) properly applied in a rejection of claims 9-12 and 21-24 as being unpatentable over Montabalno (U.S. Patent 5,918,237) and in view of Quimby (U.S. Publication 2002/0199002), as applied to claims 1 and 13 and further in view of Pal (U.S. Patent 5,963,945).

Examiner asserts that the combined references do not teach determining the number of address entries in the bookmark file and initially setting a display counter to zero. Contrary to examiner's assertion, Pal does not mentioned or suggests the use of bookmarks in its disclosure. Applicants submit that there is nothing in the cited references or Pal to teach or suggest the combination of the Pal with the teachings of the Montabalno and Quimby references.

6.D. – Was 35 U.S.C. § 103(a) properly applied in a rejection of claims 25-30 as being unpatentable over Montabalno (U.S. Patent 5,918,237) and further in view of Boesch (U.S. Publication 2003/0018746).

Examiner asserts that Montabalno teaches a local computer and a computer network for establishing communication between the local computer and a display repository. As mentioned, Montabalno does not describe a display repository. Boesch does discuss file hierarchies, however, in the context of bookmark URLs, directory hierarchies are not necessary or used. Therefore, there is no support in Montabalno for combining Montabalno with Boesch to produce Applicants' present invention.

7. CONCLUSION

In view of the above, Applicants respectfully submit that there is insufficient description in the cited references Montabalno (US Patent 5,918,237), Quimby (U.S. Publication 2002/0199002), Pal (U.S. Patent 5,963,945 or Boesch (U.S. Publication 2003/0018746) to support the combination of such as indicated by the examiner to make Applicants' present invention unpatentable in view of a combination of the cited references. None of these references address the objectives of Applicants' present

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invention. None of the references describe the display file repository of the Applicants' present invention. Finally, there is nothing in the references that teach, suggest or motivate the combination of any of the references to produce the Applicants' present invention. Therefore the 35 U.S.C. § 103(a) rejections of the claims should be withdrawn.

Applicants submit that all of the pending claims are in condition for allowance. Applicants further submit that the amendments as discussed with the Examiner were for the purpose of further defining the impersonator programs of the present invention. Applicants believe that no additional search should be required in view of the type of amendments Applicants made to the claims. Therefore, withdrawal of the rejections and passage to issuance is respectfully requested.

In view of the above arguments, it is respectfully urged that the rejection of the claims should not be sustained.

Respectfully Submitted,



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Claim 1 (Previously presented) A method for creating a file containing graphical displays selected from a display repository on a computer network location comprising the steps of:

- placing the address of selected display from the display repository in a bookmark file;
- determining whether the bookmark file is complete;
- retrieving the selected displays using the addresses contained in the bookmark file;
- loading the retrieved displays into a display file; and
- creating a custom slide display from the retrieved and loaded displays.

Claim 2 (Previously presented) The method as described in claim 1 further comprising before said placing addresses in bookmark file step, the step of displaying the hierarchical information of the display repository on a viewer screen, the hierarchical display containing directories, sub-directories, categories of graphical display sets and display groups within the display sets.

Claim 3 (Original) The method as described in claim 2 wherein the repository hierarchical information display step further comprises: displaying a set of main folders in the display repository; displaying the directory for a selected main folder; and displaying a series of sub-directories in response to selections by a user until a desired display group is reached and selected.

Claim 4 (Original) The method as described in claim 3 further comprising displaying a selected display on a display screen.

Claim 5 (Original) The method as described in claim 4 further comprising the step of retrieving display address information contained in the selected display.

Claim 6 (Original) The method as described in claim 1 wherein said placing the selected display address in bookmark file step further comprises the step of initially creating a bookmark file for the selected display addresses.

Claim 7 (Original) The method as described in claim 1 wherein said bookmark file completion determination step comprises detecting a close file command.

Claim 8 (Previously presented) The method as described in claim 1 wherein said display loading step further comprises: creating a display file;

retrieving the designated bookmark file;

retrieving display address information from the designated bookmark file;

locating displays corresponding to the display addresses in the bookmark file;

retrieving a copy of each located display;

storing the copy of the located display in the display file;

repeating said display locating, copy retrieving and copy storing steps for each address in the bookmark file;

sending complete display file to local computing device; and

creating display presentation using graphical presentation tools.

Claim 9 (Original) The method as described in claim 8 further comprising after said bookmark file retrieval step the steps of determining the number of address entries in the bookmark file and initially setting a display counter to zero.

Claim 10 (Original) The method as described in claim 9 wherein said repeating step further comprises the steps of:

incrementing the display counter by one after storing each copy of a retrieved display;

comparing the current number in the display counter with the determined number of addresses in the bookmark file; and

returning to the locating the address for the next display in the bookmark file step, when the determined number addresses in the bookmark file is greater than the current number in the counter.

Claim 11 (Original) The method as described in claim 9 wherein said repeating step further comprises the steps of: incrementing the display counter by one after storing each copy of a retrieved display, comparing the current number in the display counter with the determined number of addresses in the bookmark file; and compiling displays in the display for transmission to a local computing device, when the determined number addresses in the bookmark file is not greater than the current number in the counter.

Claim 12 (Original) The method as described in claim 8 wherein said creating presentation step further comprises converting displays in the display from the format of the displays as stored in the repository to a format for display presentation.

Claim 13 (Previously presented) A computer program product in a computer readable medium for creating a file containing graphical displays selected from a display repository on a computer network location comprising:

- instructions for placing the address of selected display from the display repository in a bookmark file;

- instructions for determining whether the bookmark file is complete;

- instructions for retrieving the selected displays using the addresses contained in the bookmark file;

- instructions for loading the retrieved displays into a display file; and

- instructions for creating a custom slide display from the retrieved and loaded displays.

Claim 14 (Previously presented) The computer program product as described in claim 13 further comprising before said instructions for placing addresses in bookmark file, instructions for displaying the hierarchical information of the display repository on a viewer screen, the hierarchical display containing directories, sub-directories, categories of graphical display sets and display groups within the display sets.

Claim 15 (Original) The computer program product as described in claim 14 wherein the repository hierarchical information display instructions further comprise: instructions for displaying a set of main folders in the display repository; instructions for displaying the directory for a selected main folder; and instructions for displaying a series of sub-directories in response to selections by a user until a desired display group is reached and selected.

Claim 16 (Original) The computer program product as described in claim 15 further comprising instructions for displaying a selected display on a screen for view by a user.

Claim 17 (Original) The computer program product as described in claim 16 further comprising instructions for retrieving display address information contained in the selected display.

Claim 18 (Original) The computer program product as described in claim 13 wherein said instructions for placing the selected display address in bookmark file further comprise instructions for initially creating a bookmark file for the selected display addresses.

Claim 19 (Original) The computer program product as described in claim 13 wherein said bookmark file completion determination instruction comprises an instruction for detecting a close file command.

Claim 20 (Previously presented) The computer program product as described in claim 13 wherein said display loading instructions further comprise:

- instructions for creating a display file; instructions for retrieving the designated bookmark file;

- instructions for retrieving display address information from the designated bookmark file;

- instructions for locating displays corresponding to the display addresses in the bookmark file;

- instructions for retrieving a copy of each located display;

- instructions for storing the copy of the located display in the display file;
- instructions for repeating said display locating, copy retrieving and copy storing instructions for each address in the bookmark file;

- instructions for sending complete display file to local computing device; and

- instructions for creating display presentation using graphical presentation tools.

Claim 21 (Original) The computer program product as described in claim 20 further comprising after said bookmark file retrieval instructions, instructions for determining the number of address entries in the bookmark file and instructions for initially setting a display counter to zero.

Claim 22 (Original) The computer program product as described in claim 21 wherein said repeating instructions further comprise:

- instructions for incrementing the display counter by one after storing each copy of a retrieved display,

- instructions for comparing the current number in the display counter with the determined number of addresses in the bookmark file; and

- instructions for returning to the locating the address for the next display in the bookmark file instructions, when the determined number addresses in the bookmark file is greater than the current number in the counter.

Claim 23 (Original) The computer program product as described in claim 21 wherein said repeating instructions further comprise:

instructions for incrementing the display counter by one after storing each copy of a retrieved display;

instructions for comparing the current number in the display counter with the determined number of addresses in the bookmark file; and

instructions for compiling displays in the display for transmission to a local computing device, when the determined number addresses in the bookmark file is not greater than the current number in the counter.

Claim 24 (Original) The computer program product as described in claim 20 wherein said creating presentation step further comprises converting displays in the display from the format of the displays as stored in the repository to a format for display presentation.

Claim 25 (Original) A system for generating a display file containing graphical displays stored in a repository at a computing network location comprising:

a local computer machine; a display repository housed in a containing graphical displays, aid displays being arranged into sets of displays and stored in said repository in a directory hierarchical tree configuration containing a series of sub-directories that link to the location of a display in said repository;

a computer network for establishing communication between said local computer and said display repository; and

a display file generating program for assembling a display file from displays stored in a display file repository.

Claim 26 (Original) The system as described in claim 25 wherein said display repository resides in a server machine on said computer network.

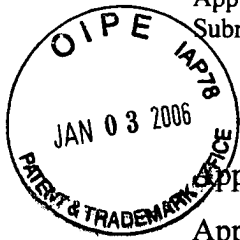
Claim 27 (Original) The system as described in claim 25 further comprising a navigator program for maneuvering through the directories and sub-directories of graphical displays in the display repository.

Claim 28 (Original) The system as described in claim 27 further comprising a display presentation program for displaying the graphical displays in the generated display file on said local computer machine

Claim 29 (Original) The system as described in claim 28 wherein said display presentation program further comprises a conversion program for converting displays from a format for storing the displays in the repository on the computing network to a format for displaying such displays on said local computing machine.

Claim 30 (Original) The system as described in claim 25 wherein said display file generating program further comprises: a module for creating a book mark file and storing addresses corresponding to the locations in the repository of the graphical displays in the book mark file; a module for creating a display file for storing copies of displays with corresponding addresses stored in the book mark file; and a module for transmitting a display file over the computing network to a local computing machine.

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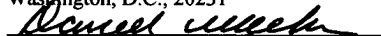
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FEE TRANSMITTAL OF APPELLANT'S BRIEF

Applicant files the attached Appeal Brief in support of the Notice of Appeal filed by Applicant on November 2, 2005 in the above-identified application. Please charge the fee of \$500.00 to Deposit Account No. 09-0447. The due date to file the Appeal Brief in support of appeal was January 3, 2006. Therefore the filing of the brief is considered timely filed.

Respectfully submitted,



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